

Staff Report

Agenda Item: 4

Title: **Review of Executive Committee Elections**

☒ Action ☐ Discussion ☐ Informational

Date: September 27, 2016

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Attachments:

Background

The NCEC Executive Committee was elected at the July 26th meeting of the Commission. The Committee consists of the chair, vice-chair, second vice-chair and secretary and serves for one year.

There were two errors in the selection process that staff did not catch:

- 1) **Oath of Office.** As called for in the City Charter, members of commissions must be sign the oath of office before they are officially seated on the commission and are able to take action.

City Code Section 14.180(d)(3)

Upon appointment, before assuming full member rights and responsibilities, all members are required to sign an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05.

Most members of the NCEC were not sworn in when the election was conducted. ***All members attending the September 27th meeting will be sworn in and sign the oath of office at the start of the meeting.***

- 2) **Election by Majority.** The NCEC bylaws call for Executive Committee members to be elected by a majority of members:

NCEC Bylaws Section 13.3.3

The Executive Committee shall be elected by a majority vote of the seated Commissioners present on the date of election. Proxy voting is prohibited. Voting for executive committee members shall be done by roll call vote.

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Since there were multiple candidates for all positions except for secretary, while the top vote getters received a plurality, none received a majority.

Options

To correct this mistake, there are two options:

- Reelect the Executive Committee Members Elected on July 26th by Acclimation.
This would allow continuity of the current committee. The process would be for a member to move to reelect all four current Executive Committee members by acclimation. If the motion is seconded and approved, the reelection would then comply with the bylaws.
- Conduct a New Election.
This approach would require a process of re-nomination of candidates for each of the positions and a new vote. One issue to be addressed in advance of the nominations is the voting process to reach a majority if there are more than two candidates.